

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF NEW YORK

TRENISE MCTYERE and LUCILLE
CLARK,

Plaintiffs,

DECISION AND ORDER

v.

1:21-cv-01133-LJV-JJM

APPLE, INC.,

Defendant.

By Decision and Order dated December 20, 2023 [60],¹ I ordered plaintiff Trenise McTyere to produce her electronic devices for inspection by defendant Apple Inc. She failed to do so. By Decision and Order dated February 13, 2024 [90], I stated that the December 20 Decision and Order, “which has not been objected to, remains in effect”, and ordered McTyere to “fully comply with the Decision and Order by February 29, 2024.” Id. at 2.

Yesterday evening, less than two days before her deadline for compliance, McTyere moved “for an order reconsidering and granting relief from the Court’s Order and Decision of February 13, 2024” [94], and “for a stay of the Court’s Order and Decision of February 13, 2024 . . . pending resolution of [her] motion for reconsideration . . . and a stay pending any objection to, and review by, the District Court . . . of any decision by this Court on reconsideration” [97].

¹ Bracketed references are to CM/ECF docket entries, and page references are to CM/ECF pagination.

While McTyere claims that she “would be irreparably harmed if a stay is not granted” (Memorandum of Law [98] at 3), “the nature and extent of irreparable harm is not clear, given that [she] waited until the last minute to file this application”. Chaves v. International Boxing Federation, 2016 WL 1118246, *2 (D.N.J. 2016). Moreover, because she has not objected to my December 20, 2023 Decision and Order directing her to produce her to produce her electronic devices for inspection by Apple, that Order remains in effect. “Parties may not use a motion for reconsideration as a means to reargue matters already disposed of by prior rulings.” Underwood v. B-E Holdings, Inc., 269 F. Supp. 2d 125, 139 (W.D.N.Y. 2003).

CONCLUSION

For these reasons, McTyere’s motions [94, 97] are both denied.

SO ORDERED.

Dated: February 28, 2024

/s/Jeremiah J. McCarthy
JEREMIAH J. MCCARTHY
United States Magistrate Judge